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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/822,706	04/13/2004	Tomotoshi Senoh	086142-0629	2928
22428	7590	05/25/2007	EXAMINER	
FOLEY AND LARDNER LLP			KAYES, SEAN PHILLIP	
SUITE 500			ART UNIT	PAPER NUMBER
3000 K STREET NW			2833	
WASHINGTON, DC 20007			MAIL DATE	DELIVERY MODE
			05/25/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/822,706	SENOH ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Sean Kayes	2833	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

1) Responsive to communication(s) filed on 03 April 2007.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

4) Claim(s) 1-13 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-13 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 13 April 2004 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_  
 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2, 4-8, and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Cooper (US 6448512.)
3. With respect to claim 1 Cooper teaches a device for measuring a weight of a seat, including a weight of an occupant sitting on the seat, the device comprising:
  - a resilient member (70 figure 2) supported by at least one support point (66, 77, and 91 figure 2); and
  - a load sensor (80 figure 2) supported by a sensor plate (71 and/or 78 figure 2) and a sensor support (45 figure 2) and in communication with the resilient member (70 figure 2) and positioned to receive the weight of the seat, wherein the sensor support (45 figure 2) is formed on an underside of the sensor plate;
  - wherein the device is configured so that the weight of the seat is applied between the at least one support point (66, 77, and 91 figure 2) and the sensor support (45 figure 2.)
4. With respect to claim 2 Cooper teaches the device of claim 1, wherein the resilient member (70 figure 2) is a single acting part.

5. With respect to claim 4 Cooper teaches the device of claim 1, further comprising a pin bracket (46 figure 2) adapted to be in communication with the seat and the resilient member.
6. With respect to claim 5 Cooper teaches the device of claim 4, wherein the pin bracket (92 figure 2) is rotatably supported by a base pin (66 figure 2.)
7. With respect to claim 6 Cooper teaches the device of claim 5, wherein the pin bracket (92 figure 2) transmits the seat weight to a bracket pin (46 figure 2.)
8. With respect to claim 7 Cooper teaches a device for measuring seat weight including a weight of an occupant sitting on a seat, the device comprising:
  - base (16 figure 2) having two side plates (Figure 1 shows wherein there are two of element 60 figure 2.);
  - an arm (70 figure 2) rotatably supported by and interdisposed between the side plates of the base via a base pin (66 figure 2);
  - a pin bracket (92 figure 2) in communication with the arm (70 figure 2) via a bracket pin (46) and further adapted to be in communication with the seat (42 figure 2), wherein the bracket pin (46 figure) is partially located between the two side plates (60 figure 2 and see figure 1) of the base (16 figure 2); and
  - a load sensor (80 figure 2) in communication with the arm; and

- wherein the pin bracket (92 figure 2) is located between the base pin (66 figure 2) and the load sensor (80 figure 2.)

9. With respect to claim 8 Cooper teaches the device of claim 7, wherein the resilient member (70 figure 2) is a single acting part.

10. With respect to claim 10 Cooper teaches the device of claim 7, wherein the pin bracket (92 figure 2) is rotatably supported by a base pin (66 figure 2.)

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cooper in view of Aoki (US 6069325.)

13. With respect to claim 12 Cooper teaches the device according to claim 7. Cooper does not explicitly state wherein the arm (70) comprises two arm side plates. Aoki teaches using side plates because of the simple manufacturing process involved therewith.

At the time of the invention it would have been obvious to one skilled in the art to provide Cooper's arm (70) with sideplates as taught by Aoki. The suggestion or

motivation for doing so would be to reduce the weight of the part and/or provide an easy machine process for its production as taught by Aoki

14. With respect to claim 13 Cooper discloses the device of claim 12 further comprising a spring (95 figure 2) interdisposed between the two arm side plates. Cooper does not disclose wherein the spring is a spring leaf. Aoki teaches a weight transmission method wherein a weight transmitting bracket is biased toward a center position by a leaf spring.

At the time of the invention it would have been obvious to one skilled in the art to provide a leaf spring for biasing the weight transmitting bracket toward a center position as taught by Aoki. The suggestion or motivation would be to bias the bracket to a center position as taught by Aoki.

15. Claims 3 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cooper in view of Aoki (US 6323444.)

16. With respect to claims 3 and 9 Cooper teaches the device of claims 1 and 7 respectively.

Cooper does not teach wherein the resilient member has two acting parts.

Aoki teach using two acting parts on a common resilient member.

At the time of the invention it would have been obvious to one skilled in the art to modify Cooper's element 78 to have two acting elements instead of one as taught by Aoki. The

suggestion or motivation for doing so would be to provide lateral support, thus reducing torsional movement of the arm while maintaining desired traits.

***Response to Arguments***

17. Applicant's arguments filed 4/3/2007 have been fully considered but they are not persuasive.
18. Applicant's arguments with regard to Walker (US 6092838) are moot in view of new grounds of rejection.
19. Applicant argues that the Cooper reference fails to teach the base having two side plates. Applicant asserts that "the support mount 60 of Cooper does not meet the requirements of the base of claim 7 because Cooper does not teach the particular shape of the support mount 60 but merely shows a rectangular shape." The rejection does not assert that item 60 has side plates. Conversely, item 60 was most likely intended (by Cooper) to be a solid element (not hollow.) Rather, there are at least two support mounts as is indicated by figure 1. These elements are located near the numerals "40" in figure 1. There is a left support mount and a right support mount. Between said support mounts are located two items 40, each comprising a bracket pin (46 figure 2.) Therefor the two support mounts are interpreted to meet the limitation of side plates as they are plates located at the left and right side of the base as shown in figure 1. Moreover, bracket pin (46) is located between said side plates, as is consistent with the claim language.

20. Applicant further asserts that item 70 cannot be the arm of claim 7 because it is not disposed between the side plates of the base. Item 70 is disposed between the two support mounts 60 as is indicated in figure 1.

21. Applicant's third argument is that circular opening 79 of Cooper would not be construed by one of ordinary skill in the art to be a pin bracket. This was an error. The grounds of rejection have been corrected to indicate that element 92 constitutes the bracket. However, one of ordinary skill in the art would have recognized that the numeral that indicates the hole similarly indicates the region of the whole rotational assembly.

22. Applicant's fourth argument is that claim 13 is allowable for the same reasons as claim 7. The grounds of argumentation in regard to claim 7 have been addressed above.

### **Conclusion**

23. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

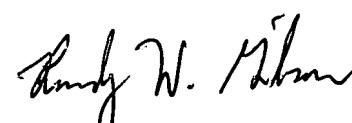
shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sean Kayes whose telephone number is (571) 272-8931. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bradley Paula can be reached on (571) 272-2800. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SK  
5/21/2007

  
RANDY W. GIBSON  
PRIMARY EXAMINER